

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DANIEL T. MORENO, an individual,)	Case No.: 5:11-CV-04780-LHK
)	
Plaintiff,)	
)	ORDER DISMISSING CASE FOR
v.)	FAILURE TO PROSECUTE
)	
NOVASTAR HOME MORTGAGE, INC.,)	
QUALITY LOAN SERVICES, CAL-)	
WESTERN RECONVEYANCE)	
CORPORATION, MERS, and WACHOVIA)	
MORTGAGE,)	
)	
Defendants.)	

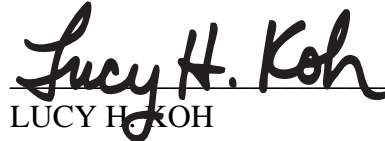
Plaintiff Daniel Moreno filed a complaint in state court on August 26, 2011, which Defendant Wachovia Mortgage then removed to federal court on September 26, 2011. *See* ECF No. 1. October 3, 2011, Wachovia Mortgage filed a Motion to Dismiss all four claims alleged in the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted. *See* ECF No. 6. Pursuant to Civil Local Rule 7-3(a), Plaintiff's opposition to the motion to dismiss was due on October 17, 2011. Plaintiff has not filed an opposition or statement of nonopposition to Defendant's motion to dismiss.

On January 11, 2012, the Court ordered Plaintiff to show cause why this case should not be dismissed for failure to prosecute. ECF No. 9. A copy of the order was mailed to the Plaintiff. *See* ECF No. 9-1. Plaintiff was ordered to respond to the order to show cause by January 19, 2012.

Plaintiff has not filed a response. A hearing on the order to show cause was held on January 26, 2012. Plaintiff failed to appear at this hearing. In light of Plaintiffs' failure to respond to the order to show cause and failure to appear at the January 26, 2012 hearing, the Court DISMISSES this case with prejudice for failure to prosecute. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: January 26, 2012


LUCY H. KOH
United States District Judge